IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.23559 of 2008
SONA LAL MAHTO & ANR
Versus
THE STATE OF BIHAR
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3 **22.09.2008** It is submitted by the learned counsel for the petitioners that the petitioner no.2 namely, Munga Lal Mahto has been arrested during the pendency of this application, and as such, this application as against him as become infructuous.

This application is, thus, dismissed as infructuous as against the above named petitioner no.2.

Heard learned counsels for the petitioner, complainant and the State.

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An affidavit has been filed on behalf of the complainant annexing a copy of the Visa.

The allegation against the petitioner is that he accepted money from the complainant for arranging job for his son in the gulf country and the job was not arranged nor the money was returned.

Learned counsel for the petitioner submits that the petitioner himself is a man of small means and runs a partune shop and the complainant is having good influence in the locality could not accept/demand money for sending the son of the complainant. It is further submitted that as a matter of fact the complainant often

used to visit the shop of the petitioner and take wine, which was objected by the petitioner which irritated them and lodged the present false case.

Learned counsel appearing for the complainant submits that the complainant himself obtained the passport, however the Visa was arranged by the petitioner, copy of which was given to the complainant.

Learned counsel for the petitioner submits that exactly for having similar allegation earlier a complaint was filed against this petitioner by one SheoKumar Dubey in which he was allowed anticipatory bail vide order dated 8.11.2007, as contained in Annexure-4 to the petition.

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Having considered the submissions, as noticed above, and in the facts and circumstances of the case, it is directed that in the event of arrest or surrender within a period of four weeks from today, the petitioner, namely, Sona Lal Mahto be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Ara in connection with Complaint Case No. 950 (C) of 2007 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

Manish/- **(Shailesh Kumar Sinha,J.)**